GROSSCUP HITS SHERMAN ACT

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Business Under a Calviniatic Condemnation

With a Mercy Seat in the Department of Justice—President Schurman

for Governors Who Lead Their Party

Judge Peter S. Grosscup of the United States Circuit Court, speaking yesterday before the Republican Club, denounced the working out of the Sherman anti
trust act as absurd and in substance declared that it took the power away from the judiciary and placed it with the Department of Justice at Washington

The topic of the club's Saturday discussion was "Encroachment of the Three Coor
dinate Branches of the Government, One Upon the Other," and his speech took the form of a plea for the recognition of the provisions of the Constitution for the spearation of the executive, legislative and legal functions of the Government. President Schurman of Cornell, who followed Judge Grosscup, spoke for party government with the executive as leader of the party as the only way in which "effective and permanent government, what as part of the "every day limitations under which every business man must act"

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adopted by the States. He described the growth of business from the work of the individual to the partnership "recognized and protected by law," through the corporation to the trust, which he said was built upon the "realization of the wastefulness of competition," to the great trust "that rivals the Government itself in financial and revenue operations."

come a development of the law. His own theory of the latter growth was that the law is the garment with which business is clothed and that the garment should be cut to fit business instead of trimming business to fit the garment of the law.

Under the English common law, he said. combinations were not unlawful, while under the Sherman act it was practically stated that "thou shalt not even confer to determine how to do what the law says thou shalt do." Two men couldn't even meet to figure out how the law of interstate commerce should be obeyed in the interests of the people without coming under the ban of the law itself. Such a condition] Judge Grosscup described as "absurd." And he illustrated the absurdity by pointing out that if two farmers met on the way to market their wheat and one said, "I expect to get \$1 a bushel," and the other replied that he guessed he wouldn't take a lower price, they were breaking the law by acting in restraint of

The law, said Judge Grosscup, had gone one way while business development went another, and as a result of the divergence the law was often broken and denounced. He added that "sometimes it ought to be denounced," and that there "is a better remedy than the anti-trust acts as interpreted by the United States Supreme

He said that while many people might believe that the Sherman act was intended only as an enactment of the common law the Supreme Court had held otherwise. and in a way that the legislative function of the Government had not intended.

Judge Grosseup referred to the Calvinistic doctrine of universal condemnation and said that the Supreme Court had interpreted the anti-trust laws into just such a universal condemnation and that the situation had arisen where it was

when the merciful one at Washington doesn't hear the plea the courts can only

execute the sentence under the law. Such a situation Judge Grosscup charterfered with the distribution of the three

this instance not as a criticism of the court, but as an illustration of the close relationship that has grown up between the courts and business.

Of "the appeal from the bench to the town meeting, sometimes called the recall of judges," Judge Grosscup said he would not speak, believing that a people that have trouble in getting twelvemen to serve upon a jury will be slow to take over the functions of the bench or to require judges to go upon the stump and defend their decisions.

He said that more enlightment might be obtained from a discussion of the Sherman anti-trust act and the similar measures adopted by the States. He described the

such a universal condemnation and that the situation had arisen where it was impossible for a man to do business without violating the law unless he did business only with himself, "and that's not profitable."

At the same time the Calvinistic doctrine took cognizance of the mercy of a Supreme Being, and in the Sherman law this was paralleled by the mercy of the Department of Justice, "through which you may never be prosecuted."

Judge Grosscup argued that the judicial power had been changed in this instance to executive power and that the question to-day is "What will they say in Washington? not what will the courts decide in New York or Chicago."

And when the merciful one at Washington

## LITTLE SUBWAY BRANCH.

Interborough Wants to Turn Over Schermerhorn St. Spur to City for \$200,000.

When the subway was extended to shared by his family.

merhern St. Spur to City for \$200,000.

When the subway was extended to Brooklyn a spur was built by the Interpretation of the Government, and with this balance between the judiciary the executive and the legislative functions carried out there is no danger to the individual citizen and no danger to the rise of a mobocracy.

President Schurman said that no matter what the founders of the Republic had in mind at the beginning there is no doubt that "we live in the days of a government by public opinion." He said that President Jackson. "the Rooswelt of his day," had recognized that if the office was to be what it should be it would be a popular office reflecting the wishes of the people. As examples of the growth of the people. As examples of the growth of the people as a examples of the growth of the people as a examples of the growth of the people. As examples of the growth of the power of the Executive he pointed to Gov. Wilson of New Jersey, saying:

"He's telling the Legislature how it shall elect a Senator, and for three months that right seemed to be vested in the Legislature has it is the function of the Legislature has the proposed to the scheme, but Comptroller would be a popular office reflecting the substant it is the function of the legislature has a candidate iron Albany and I hear that the prospects for an election are not likely to be any righter on Monday. The reason is that the fund at the end of the period of the spur and has offered to turn it back to the city for the road was agreed to the scheme, but comptroller would be it wou

BIGGEST VOICE IN CAPTIVITY

THOMAS RANKIN HEARD DAILY IN THE GARDEN.

Announces the Circus Acts and Never Was Attention So Foroibly Called to Anything on Earth Before—Was a Missionary and the Heathen Shook

The Garden was very still yesterday afternoon. The last shout of the last smitten clown had ceased with the closing of the big doors at the exit end. In the centre ring stood a young man with green trousers, flanked on the one side with a young woman in mauve tights and on the other

The three were what any author of a When sentence was pronounced John-best seller would typewrite "the cynosure son, who had been acting as his own atof all eyes" without once hovering over the keys. The small though stout boy in the third row with the popcorned face lating speed ordinances, asked that some gulped convulsively. In vain had been one be appointed to represent him. his literary training did he not realize

this pause to be "a moment of suspense."

Then through the hush strode a tall Three Donatellos." He took off his hat. t was so still that you could hear the gum of the young woman in the third gallery

Then the tall man bowed majestically and spoke, spoke with a voice that boomed and reverberated and volleyed and thundered, till every one wondered, in and out and round about and over and under that there amphitheatre, so that a Mellen commuter grabbed involuntarily his valise, thinking for the moment that the 5.08 fo Greenwich was being announced.

But what the tall man said to the "la dies and gentlemen" was this:

"The three Donatellos, membuhs o worrld renowned trroupe, will now perform one of the most reemarrkable feats ever achieved within the memory of man. and he went on to say that the little Donatello would hop right up on the big Dona-tello's shoulder and do three successive back flips into the outstretched arms of Mrs. Donatello, who in turn would do a louble back somersault with Donatello. Jr., to Mr. D.'s head. And sure enoughbrrrrrum (he was up) bizzzzing (he had umped) whango whango whango (the three back flips) blim blam (and there were the three reunited).

But to one of an inquiring nature even nore marvellous than the wellnigh superhuman agility of the Dona;ello family was the voice of their herald and such a one having harkened thereto trotted right off to find a man called Dexter Fellows who must know about everything connected with oircuses because you see he

Mr. Rankin's chancing upon a book about a-tillery and the habits of gunners when the big ones went off.

But his health broke down and he returned to this country to meet Mr. Bailey, who had something to do with circuses.

Mr. Bailey heard Mr. Rankin greet a friend on the street and he made up his mind that the owner of that voice was a man he must have. Mr. Bailey was standing at Forty-second street at the time, but he followed the crowd and found the man he wanted on Madison Square and talked to him for a while about the business. Mr. Rankin finally decided that owing to the fart that he had reformed most of the natives of the Malabar coast within earshot, a distance of some 100 miles, and also as he had acquired a working knowledge of the Tamil language, an acquisition almost indispensable in the circus business, he would accept Mr. Bailey's offer, and that was fourteen vegre ago and he's still at it and likes it better every day, a sentiment not shared by his femily.

### PERSONAL CHRISTIAN WORK. Conference of \$50 Episcopalian Young Men Held at St. George's Church.

Five hundred and fifty young men representing Episcopal churches of Brooklyn, Manhattan, The Bronx and Newark were at a conference on personal Christian work by young men under the auspices of the Brotherhood of St. Andrew at St. agreed to the scheme, but Comptroller George's Church, Stuyvesant Square, yesterday afternoon and evening. E. H. Bonsall of Philadelphia, national presi-dent; Hubert Carleton of Boston, national

dent; Hubert Carleton of Boston, national president; Hubert Carleton of Boston, national secretary, and other leaders were present, and speakers included Bishops Lines of Newark, Burgess of Long Island, Lloyd of the general board of missions and Burch, the new New York suffragan.

Reports were made of schievement and conditions. It was said that young men of Episcopal churches in this district have furnished a large number of lay readers, an encouraging number of young men for the ministry, and started the noon day services that have now grown in many cities not always under the brotherhood's charge. Conditions were said to be that there is a slight increase in attendance upon Bible classes and in many lines more young men are giving time during spare hours to personal work without salaries than formerly did.

Very few clergy were present. The meeting yesterday was the first to be held, but there is a plan to make this conference an annual affair.

SENDS JACK JOHNSON TO JAIL. PREPARING A TARIFF BILL San Francisco Judge Gives Pagalist 28

Days for Auto Speed SAN FRANCISCO, March 25 .- Jack John son, negro champion heavyweight pugilist, was sentenced to-day by acting Police Judge Treadwell to serve twenty-five days in the county jail on a charge of exceeding the automobile speed limit.

Johnson pleaded guilty to the charge

on Thursday. Soon after sentence was passed John on was locked up in the city prison and following the usual procedure his valuables were taken from him. His attorneys nmediately began a search for a Superior Judge who would issue a writ of habeas corpus to prevent Johnson's being taken to the county jail.

torney in his numerous appearances in the local police courts on charges of vioone be appointed to represent him. Attorney Greeley, acting for Johnson,

then asked for a stay of execution and an appeal bond. Judge Treadwell refused to man with a high hat, a good looking entertain either motion, declaring that man with a frock coat. He stopped in such an order could not be made in the front of the three cynosures, or rather the case of a defendant who had pleaded case of a defendant who had pleaded guilty to a misdemeanor charge.

Johnson's attorney announced that he would apply to the Superior Court for a would apply to the Superior Court in writ of habeas corpus.

Johnson after spending four hours in a cell was released on a writ of habeas corpus granted by Judge Mogan of the Superior Court. Judge Treadwell, who sentenced him and who is a Southerner, wouldn't soften his sentence. He said the negro should be punished severely for his wilful defiance of public decency.

WOMAN BORBED IN A HALLWAY.

Mrs. Elise Jennings, who said she was ecretary to a Mrs. Douglas of 159 West Forty-sixth street told the police of the West Thirty-seventh street station a little after 11 o'clock last night that she had just been robbed of three diamond rings valued at \$1,000 and \$350 in cash in a

hallway at 457 West Thirty-seventh Mrs. Jennings told the police that she had been to a theatre and that afterward she had taken a glass of sherry. This, she said, made her ill and a man came up to her on the street and offered to get her something to make her feel better. She went with the man to a saloon, she said, where she drank something which was supposed to be good for her and then. out on the street again, the man dragged her into the hallway and grabbed her eilver mesh bag, containing the money pulled two of the rings from her fingers

of the Ways and Means Committee room had leaked out in important particulars. Several Congressmen, who said that their information was direct from members of the committee are authority for the following list of committee chairm n, who, they eat, have been selected thus far:

Library, Slayden of Texas; Accounts, Lloyd of Missouri; District of Columbia. Johnson of Kentucky; Post Offices and Post Roads, Moon of Tennessee; Interstate and Foreign Commerce, Adamson of Georgia; Appropriations, Fitzgerald of New York; Rivers and Harbors, Sparkman of Florida; Military Affairs, Hay of Virginia; Foreign Affairs, Flood of Virginia; Naval Affairs, Padgett of Tennessee, Judiciary, Clayton of Alabama; Indian Affairs, Stephens of Texas; Public Buildings, Shepherd of Texas; Banking and Currency, Pugh of Louisiana; Census, Wilson of Pennsylvania; Pensions, Sherwood of Ohio; Immigration, Burnett of Alabama; Election of President and Vice-President, Rucker of Missouri; Irrigation, Smith of Texas; Manufactures, Johnson of South Carolina; Patents, Sulzer of New York; Printing, Finley of South Carolina; Revision of the Laws, Watkins of Louisiana; War Claims, Sims of Tennessee.

PREPARING HOUSE RULES. Democrats of the New Rules Committee

to Be in Session Every Day This Week. WASHINGTON, March 25 .- The Democratic members of the new Committee on

Ruies of the House will be in session every day next week preparing the rules that are to govern the lower branch of the Sixty-second Congress. The first meeting will be held Monday morning. Chairman Henry bas invited Charles F. Crisp of Georgia, who has been appointed parliamentary clerk of the House, to sit with the committee while it is consi lering the adoption of the new rules.

The Rules Committee has gone back to the rules in force in the last Democratic Congress—the Fifty-third—and will frame a new set of rules based on them and on rules that have been employed in recent years. A member of the committee, who has studied the rules of the several congresses, said today that there is very little difference in the rules that governed the last Congress as compared with those in force when the Democrata last con-

DEMOCRATS AHBAD WITH THEIR WORK. Will Revise the Wool and Cotton Scheduler

and Then Pick Out a Hundred or More Items That the Wage Earner WASHINGTON, March 25.- The Demo

crats on the Ways and Means Committee are going ahead with their tariff programme which they will submit to the Democratic caucus of House members that meets here on April 1. Members of the committee apparently

are not paying any attention to intimations from the White House that the President will veto any tariff legislation that is not based on the results of an expert investigation. All of the members of the committee with the exception of two Representatives Underwood and Hammond voted against the bill to create a perma nent tariff board at the last session of Congress, and it is practically certain that they will refuse to act favorably on the President's suggestion that revision of the

tariff be based on the findings of the board. "We do not need a tariff board to tell us nary woollen blankets that the poor man uses is an outrage," declared Representaive Kitchin of North Carolina, a member of the Ways and Means Committee.
"Neither do members of Congress have to be told by a so-called board of experts that 116 per cent. duty on the underwear that the laboring man has to wear to keep his body warm is an outrage. It is a very simple matter to ascertain these impositions on the poor of the land, and I do not anticipate that Congress will have much difficulty in singling them out for hones

The members of the Ways and Means Committee are now at work on the woollen and cotton schedules. After bills revising these have been prepared the committee will pick out a hundred items or approximately that number which will b jected to the tariff reform pruning knife. These hundred items will be taken from various schedules and will include agricultural implements, workingmen's tools and the articles which the wage earner finds necessary for use in his daily life The Democrats do not expect to slash tariff rates right and left, but they propose to frame legislation that will meet the expectations of the people and will be in compliance with promises made in the last campaign.

The Republicans of the House are The Republicans of the House are endeavoring to sidestep responsibility for naming the minority members of House committees because of the embarrassment that would result from any effort on their part to take care of the insurgents and regulars, but the Democrate on the Ways and Means Committee have decided that they will put the matter up to the Republican caucus decline to name the Republican name results of the House committees, then the Democratic majority of the Ways and Means Committee will be forced to discharge that duty. However, it is not expected that the Republican caucus will decline to assign members to the committee, despite the attitude of Republican leaders, who are fearful of the outcome of an effort to equalize committee berths as between the insurgents and Republicans.

Ever since the Republicans.

Ever since the Republicans assumed control of the House the Democrats have insisted that the minority could have the right to name the committees, and to be consistent they have decided now to force the Republicans to stand to the rack and settle their differences without outside help.

The big committees of the House have been increased in membership to twenty-one. In the last House the Republican must have about the proper when the proper whe endeavoring to sidestep responsibility

of the most important committees of the House.

It is now planned to make the three Democratic members of the Committee on Accounts a committee to apportion and distribute the House patronage, which amounts to \$750,000. The Democratic membership of the House is pretty well determined that there shall be no "hog combine" such as dominated the House when the Republicans last returned to power. Pennsylvania, New York and a few other States took possession of everything worth while on that occasion. It is proposed that Mr. Lloyd and his two associates shall make an equitable division of the offices among the Congressmen from Democratic districts. On this basis each Congressman would be entitled to about \$4,000 in patronage.

Movements of Naval Vessels.

WASHINGTON, March 25.—The destroyer Drayton has arrived at New York yard Drayton has arrived at New York yard, the colliers Leonidas and Hannibal, the torpedo boat Terry and the tug Pentucket at Norfolk, the collier Prometheus at San Diego, the torpedo boats Hopkins, Truxtun, Paul Jones, Perry, Preble, Stewart, Lawrence, Davis, Fox, Goldsborough and Rowan at San Pedro.

The torpedo boat Sterrett has sailed from Norfolk for New York yard and the gunboat Helena from Siakwan for Shanghai.

Army and Navy Orders. WASHINGTON, March 23 .- These army order

Washington, Maryll were Issued to-day:
Pirst Lieur. Thomas C. Musgraye, Seventeenth Infantry, detailed as professor of military science and tactics at Agricultural College, Mississippi. and tactics at Agricultural College, Mississippi, August 1.
Second Lieut, H. L. Simpson, Third Infantry, from treatment at General Hospital. Hot Springs, Ark., and at end of leave will proceed to Manfla, P. 1., for appointment to staff oil Brig. Gen. George S. Anderson as aide de camp.
Capt. Lanning Parsons. Ninth Cavairy, to fill vacancy in Quartermaster's Department, vice Capt. John S. Winn, Quartermaster, relieved from that department and assigned to Ninth Cavairy. from that department and assigned to Ninth Cavairy.
Capt. Samuel C. Vestal, relieved from detail as member of General Staff Corps.
First Lleut. Robert H. Helterick, Medical Reserve Corps, from Army Medical School, Washington, D. C., to Fort Brady, Michigan.
Lieut. Col. David J. Rumbough, transferred from First to Styth Field Artiliery.
First Lleut. Herman N. Bundesen, Medical Reserve Corps, resignation accepted.

These navy orders were issued:
Lieutenant-Commander C. L. Hussey, to Naval
War College, Nowport, R. I.
Lieutenant Commander J. H.: Dayton, from
duty in connection with San Marcos to duty in
connection with General Board, Washington,
Lieut, C. R. Train, from command of the Sylph
to command of the Walker,
Ensign W. W. Bradley, Jr., when discharged
from naval hospital, New York, to the Hancost.

# Lord & Taylor

# Important Announcement Sale of Oriental Carpets and Rugs

Commencing Monday, March 27th, and Continuing Throughout the Week

The attention of intending purchasers of Summer Floor Coverings

is directed to the complete assortment of inexpensive Oriental Carpets and Rugs offered in this sale. A few prices are quoted below. These are merely indicative of the splendid values prevailing throughout the entire collection. The genuineness and authenticity of weave of every rug

involved in this offering are fully guaranteed by us. Karabagh & Guendji Rugs

Antique Beloochistan & Shirvan at \$10.00

Fine Antique Daghestans & Moussouls at \$12.50

Antique Persian Hall Strips at \$25.00

> 125 Oriental Carpets Room Sizes, \$42.50 to \$100.00

If desired we will hold any of these rugs for future delivery, so that customers not immediately requiring them may avail themselves of this exceptional opportunity.

Announce an Important Sale of William Liddell & Co.'s famous Irish Damask

## Table Cloths & Napkins About 1/3 less than regular prices.

Included are several grades of Hand Woven Damasks in un-

usually attractive designs. Table Cloths \$3.75 to \$10.00-regular \$5.50 to \$14.50 grades

Napkins \$4.50 to \$8.50 - regular \$6.50 to \$12.50 dozen Also a lot of

Fine Damask Cloths and Napkins in various makes, reduced as follows:

Table Cloths \$1.65 to \$7.95-value \$2.50 to \$12.50 Napkins

\$1.95 to \$15.00-value \$2.75 to \$30.00 dozen 500 Dozen H. S. & Scalloped Huck Towels \$8.00 dozen, regular \$4.00 and \$4.20 grades Real Madeira Hand Embroidered

\$5.85 dozen, regular \$7.50 and \$8.50 grades Linen Sheets and Pillow Cases

Tea Napkins

\$4.50 and \$5.50 pair, regular \$6 and \$7.50 qualities Pillow Cases-\$1.25 pair, regular \$1.50 quality

Clearance Sale of Fine Imported Steamer Rugs English Manufacture at \$10.50, \$12.00, \$13.50 and \$14.50

Usual values \$21.00 to \$29.00 Annual Spring Sale of

Muslin Sheets and Pillow, Cases Prices quoted below are about cost of manufacture Sheets Pillow Cases 68x99......55c & 68c 42x881/2...........16c 72x99......60c & 69c 45x88\\dot{2}......18c 

Also 500 dozen 45x36 Pillow Cases to close at 14c each

Broadway & 20th St.; 5th Ave.; 19th St.